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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-365

13 **JULIE A. HILL**
18440 Evergreen Road
14 Cottonwood, CA 96022

15 Registered Nurse License No. 712535

16 Respondent.
17

FIRST AMENDED
ACCUSATION

18 Complainant alleges:

19 **PARTIES**

- 20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.
- 23 2. On or about September 14, 2007, the Board issued Registered Nurse
24 License No. 712535 to Julie A. Hill ("Respondent"). The Registered Nurse License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on January 31,
26 2009, unless renewed.

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1 (b) Use any controlled substance as defined in Division
2 10 (commencing with Section 11000) of the Health and Safety
3 Code, or any dangerous drug or dangerous device as defined in
4 Section 4022, or alcoholic beverages, to an extent or in a manner
5 dangerous or injurious to himself or herself, any other person, or
6 the public or to the extent that such use impairs his or her ability to
7 conduct with safety to the public the practice authorized by his or
8 her license.

9 7. Code section 4060 provides, in pertinent part,

10 No person shall possess any controlled substance, except
11 that furnished to a person upon the prescription of a physician,
12 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7, or furnished pursuant to a drug order
14 issued by a certified nurse-midwife pursuant to Section 2746.51, a
15 nurse practitioner pursuant to Section 2836.1, a physician assistant
16 pursuant to Section 3502.1, a naturopathic doctor pursuant to
17 Section 3640.5, or a pharmacist pursuant to either subparagraph
18 (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of
19 paragraph (5) of, subdivision (a) of Section 4052.

20 COST RECOVERY

21 8. Code section 125.3 provides, in pertinent part, that the Board may request
22 the administrative law judge to direct a licensee found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 DRUG

26 9. “Methamphetamine” is a Schedule II controlled substance as designated
27 by Health and Safety Code section 11055, subdivision (d)(2).

28 FIRST CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

10 Respondent’s registered nurse license is subject to disciplinary action
11 under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that,
12 effective November 6, 2007, pursuant to the *Final Order and Stipulation for Voluntary*
13 *Surrender of Registered Nurse License* entered by the Oregon State Board of Nursing, in the case
14 titled *In the Matter of Julie A. Hill, RN*, Case No. 08-119 (attached hereto as **Exhibit A**), the
15 Oregon State Board of Nursing accepted the voluntary relinquishment of Respondent’s Oregon
16 License No. 200241447RN.

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(Possess a Controlled Substance in Violation of Law, and Self-Administer)

11. Respondent's registered nurse license is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a), in that between, in or around December 2004 and June 2005, and between March 2007 and April 2007, while licensed as a registered nurse, Respondent did the following:

a. Respondent possessed methamphetamine a, controlled substance, in violation of Code section 4060.

b. Respondent self-administered methamphetamine, a controlled substance.

11

(Possess a Controlled Substance in Violation of Law, and Self-Administer)

12. Respondent's registered nurse license is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a), in that , on or about April 19, 2008, while licensed as a registered nurse, Respondent did the following:

a. Respondent possessed methamphetamine a, controlled substance, in violation of Code section 4060.

b. Respondent self-administered methamphetamine, a controlled substance.

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(Conviction of a Felony Substantially Related)

13. Respondent's registered nurse license is subject to disciplinary action under Code section 2761, subdivision (f), on grounds of criminal conviction substantially related to the qualifications, functions and duties of a registered nurse in that on or about July 21, 2008, in the case captioned People v Julie Ann Hill, Tehama County Superior Court No. NCR74088, Respondent was convicted by her plea of guilty to California Health and Safety Code section 11378: possession of methamphetamine for sale, a felony.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nurse License No. 712535, issued to Julie
5 A. Hill;
- 6 2. Ordering Julie A. Hill to pay the Board of Registered Nursing the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
- 8 3. Taking such other and further action as is deemed necessary and proper.
- 9

10 DATED: 8/12/08

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13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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EXHIBIT A

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)

JULIE A. HILL, RN)

License No. 200241447RN)

FINAL ORDER

Case No. 08-119

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including registered nurses, in the State of Oregon. Julie A. Hill (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on October 18, 2007. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender signed by Licensee on October 17, 2007 and so dispense with this Matter pursuant to ORS 183.415(5).

Upon review of the Stipulation for Voluntary Surrender and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on October 17, 2007 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Voluntary Surrender of Julie A. Hill's registered nursing license and that the Stipulation for Voluntary Surrender be adopted.

DATED this 6th ^{November} day of ~~October~~, 2007.

DATE: 12-21-07

I certify this to be a true copy of the records on file with the Oregon State Board of Nursing.

SIGNED: Barbara Holby

Saundra L. Theis
Saundra L. Theis, RN, PhD
Board President

Board Order-Julie A. Hill, RN

In the Matter of

JULIE A. HILL, RN,

Licensee

STIPULATION FOR VOLUNTARY SURRENDER OF REGISTERED NURSE LICENSE

Case No. 08-119

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in Oregon. Julie A. Hill (Licensee) is a registered nurse in Oregon. The Board issued Licensee its license no. 200241447RN on June 27, 2002. Licensure was by examination.

On June 24, 2005, Licensee entered the Nurse Monitoring Program (NMP), a voluntary and confidential program in which nurses with chemical dependence, psychiatric or physical disorders can be monitored by the Board to ensure that they are able to practice their profession without endangering the public health, safety and welfare.

Licensee completed a thirty day residential chemical dependence treatment program at Genesis on July 13, 2005. Licensee had been smoking methamphetamine daily since December 2004 prior to her admission. She completed outpatient treatment in June of 2006. Licensee had excellent employer evaluations throughout her employment at Rogue Valley Medical Center, working two twelve hour day shifts per week, sometime working overtime once per week.

She had one dilute urinalysis on September 27, 2006. — WAS NOT AWARE OF THIS TILL NOW

On or about April 28, 2007 Licensee's employer planned a for cause urinalysis due to her behavior; statements that she was feeling irritable, medication error, such as administering 10 mg of Morphine rather than 4 mg to a patient. When confronted by her employer to submit a urinalysis for cause, Licensee admitted she had been using methamphetamine "a couple days ago." Licensee was terminated after urinalysis results were positive for methamphetamine. She had been working there ten years, first as a Certified Nursing Assistant and then a Registered Nurse.

Licensee admitted to relapsing starting ~~in February or March 2007~~ when she began smoking methamphetamine infrequently but after a few weeks returned to smoking it every day. The daily cost of her use had detrimental effect on her financial well being and she lost her transportation and her home. She hopes to obtain a state bed at Genesis on August 12, 2007 for residential treatment. — WAS ON WAITING LIST-3MO. WAIT MOVED TO CALIFORNIA AUG 10th

Licensee has been discharged from the NMP and her case referred to a Board investigator. Licensee wishes to voluntarily surrender her license to practice as a registered nurse in Oregon, stating that she does not intend to work as a nurse, in Oregon.

Licensee acknowledges that she is chemically dependent. As a chemically-dependent individual, licensed as a registered nurse in Oregon and not enrolled in the NMP, Licensee is in violation of ORS 678.111(1)(e), which authorizes disciplinary action, up to and including revocation, for the

[u]se of any controlled substance or intoxicating liquor to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee understands that her chemical dependency is grounds for the Board to issue a notice of its intent to impose disciplinary action, up to and including revocation of her license to practice as a registered nurse in Oregon. Licensee does not wish to avail herself of her right to receive such notice, or to ask for a contested case hearing on the matter, as is her right under Oregon law, and therefore is willing to surrender her Oregon registered nurse license.

Licensee understands that this Stipulation for Voluntary Surrender will be submitted to the Board for approval, and that it is subject to its confirmation.

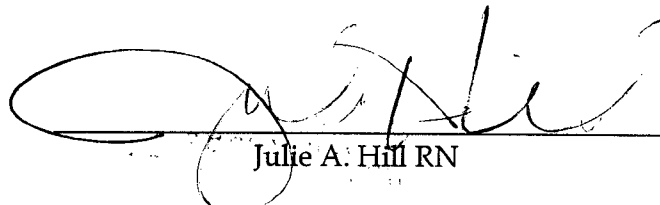
Licensee understands that, by entering into this Stipulation for Voluntary Surrender, she waives the right to an administrative hearing under ORS 183.310 to 183.550.

Licensee understands that this Stipulation for Voluntary Surrender will become a public record at such time as the Board issues an order implementing it.

Licensee may apply for reinstatement of her registered nurse license in Oregon no sooner than three (3) years following the date of any order the Board may issue implementing this Stipulation for Voluntary Surrender. If Licensee does apply for reinstatement, she understands that she will be required to provide a current drug and alcohol assessment by a qualified evaluator, evidence of treatment, documentation of at least two (2) years of abstinence from drugs and alcohol, and other such things as the Board customarily requests when reviewing the suitability of applicants with chemical dependence issues.

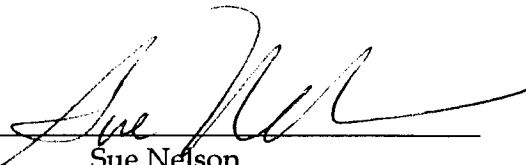
Licensee, by her signature below, attests that she has read and understood this Stipulation for Voluntary Surrender, and declares that no promises, representations, duress, or coercion have been used to induce her to sign it.


Dated this 17th day of OCT, 2007.



Julie A. Hill RN

FOR THE OREGON STATE BOARD OF NURSING


Sue Nelson
Interim Executive Director


Lani Scarratt RN
Probation Compliance
Investigator/ Advisor

DATE: <u>12-21-07</u>
I certify this to be a true copy of the records on file with the Oregon State Board of Nursing.
SIGNED: <u>Barbara Holby</u>